



[4910-RY]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the New York Gateway Connections

Improvement Project to the US Peace Bridge Plaza, Erie County, New York

AGENCY: Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the New York Gateway Connections Improvement Project. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before **INSERT DATE 150 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Jonathan D. McDade, Division

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SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: Gateway Connections Improvement Project, City of Buffalo, New York. The New York Gateway Connections Project will consist of the addition of a new ramp that provides direct access from the US Peace Bridge Plaza to northbound I-190, removal of Baird Drive from Front Park, and replacement of the Porter Avenue Bridge over I-190.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Federal Highway Administration (FHWA) Final Environmental Impact Statement (FEIS) for the project, approved by FHWA in the Record of Decision (ROD) issued on June 3, 2014, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA, or NYSDOT, at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.dot.ny.gov/nygateway>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act, 42 U.S.C. 7401-7671(q).

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303];
Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536], Fish and
Wildlife Coordination Act [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16
U.S.C. 703-712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of
1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of
1977 [16 U.S.C. 470(aa)-11]; Archeological and Historic Preservation Act [16 U.S.C.
469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25
U.S.C. 3001-3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)];
American Indian Religious Freedom Act [42 U.S.C. 1996].
7. Wetlands and Water Resources: Coastal Zone Management Act, 16 U.S.C. 1451-1465;
Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Safe Drinking
Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); 33 U.S.C. 401-406; Flood Disaster
Protection Act, 42 U.S.C. 4001-4128,.
8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and
Liability Act (CERCLA), 42 U.S.C. 9601-9675; Superfund Amendments and
Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act
(RCRA), 42 U.S.C. 6901-6992(k).

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Issued on: June 11, 2014.

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Division Administrator,
Albany, NY.